

MELINDA HAAG (CSBN 132612)
United States Attorney

MIRANDA KANE (CSBN 150630)
Chief, Criminal Division

DAVID B. COUNTRYMAN (CSBN 100374)
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor
San Francisco, CA 94102
Telephone: 415.436.7303
Facsimile: 415.436.7234
Email: david.countryman@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
APPROXIMATELY \$104,994 IN UNITED)
STATES CURRENCY,)
Defendant.)

No. 08-02331 JL

JOINT CASE MANAGEMENT CONFERENCE

Plaintiff, United States of America and Claimant Todd Dunphy respectfully submit this Joint Case Management Statement.

1. Jurisdiction and Service

This Court has jurisdiction pursuant to Title 28, United States Code, Sections 1345 and 1335 and Title 21, United States Code, Section 881(a)(6). Plaintiff has served notice of this action on all persons who may have an interest in the property. Todd Dunphy, represented by David Michael, has filed a verified claim and an answer. To date, no other claims have been filed in this action.

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1 **2. Facts**

2 The parties have entered into a settlement agreement, that they believe will be
3 memorialized before the case management conference scheduled for December 29, 2010.

4 **3. Principal Factual and Legal Issues**

5 There are currently no factual and legal issues in dispute.

6 **4. Anticipated Motions**

7 None at this time.

8 **5. Amendment of Pleadings**

9 None at this time.

10 **6. Disclosures**

11 This is an in rem forfeiture case and is exempt from initial disclosures pursuant to Federal
12 Rule of Civil Procedure 26 (a)(1)(B)(ii).

13 **7. Discovery**

14 The parties have not engaged in discovery at this time, other than the government's initial
15 Special Interrogatories. The parties do not contemplate further discovery

16 **8. Class Action**

17 This is not a class action.

18 **9. Related Case**

19 The parties are aware of a related criminal prosecution and a civil forfeiture action
20 currently pending in the District of Hawaii

21 **10. Relief/Damages**

22 Plaintiff seeks a judgment of forfeiture of the defendant currency. This is not a damages
23 case. Claimants seek the return of the defendant currency.

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1 **11. Settlement**

2 The parties have entered into a settlement agreement, that they believe will be
3 memorialized before the case management conference scheduled for December 29, 2010.

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5 Dated: December 22, 2010

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7 _____
8 /S/
9 DAVID M. MICHAEL
10 Attorney for Claimant
11 TODD DONALD DUNPHY

12 Dated: December 22, 2010

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14 _____
15 /S/
16 DAVID B. COUNTRYMAN
17 Assistant United States Attorney

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19 Due to the Court's unavailability, the case management conference is hereby continued to
20 January 12, 2011 at 10:30 a.m.

21 December 22, 2010

